# PETITION FOR DETERMINATION OF RIGHT OF DISPOSITION OF REMAINS OF A DECEDENT

#### INSTRUCTIONS

## I. Specific Instructions

- 1. This form is to be used for a petition for determination of right of disposition of the remains of a decedent pursuant to O.C.G.A. § 31-21-7.
- 2. O.C.G.A. § 31-21-7 provides that the petition may be filed by either (a) the funeral home with present custody of the remains of the decedent or (b) one of two or more persons with the same relationship to the decedent for purposes of the right to dispose of the remains as set forth in the Code section.
- 3. Service of notice of the petition and the hearing to be held to consider same shall be as provided in O.C.G.A. § 15-9-86.
- 4. According to Uniform Probate Court Rule 5.6 (A), unless the Court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it may be served according to law. All pages after the notice regarding Uniform Probate Court Rule 5.6 (A) are to be completed by the moving party, unless otherwise directed by the Court.
- 5. Exhibits should be labeled at the bottom of each exhibit as "Exhibit A," "Exhibit B," etc. in consecutive order. The corresponding letter of each said exhibit should be inserted into the appropriate place in the form.

### II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each probate court or at www.gaprobate.gov, labeled GPCSF 1.

## IN THE PROBATE COURT OF \_\_\_\_ COUNTY STATE OF GEORGIA IN RE: **ESTATE NO.** \_\_\_\_ **DECEASED** PETITION FOR DETERMINATION OF RIGHT OF DISPOSITION OF REMAINS OF A DECEDENT TO THE HONORABLE JUDGE OF THE PROBATE COURT: The Petition of [Full name(s) of petitioner(s)] First Middle Last whose physical address(es) is/are \_\_\_\_ County State Zip Code and mailing address(es) is/are \_\_\_ Street City County State Zip Code shows to the Court the following: 1. [Full name of decedent] First Middle Last whose place of domicile was \_\_\_\_ Street City County State Zip Code departed this life on \_\_\_\_\_ 2. Petitioner is: [Initial either (a) or (b) below] \_\_\_\_\_ (a) One of two or more persons with the same relationship to the decedent for purposes of the right to dispose of the remains as set forth in O.C.G.A. § 31-21-7. (b) The funeral home with present custody of the remains of the decedent. 3. There are two or more persons with the same relationship to the decedent for purposes of the right to dispose of the remains as set forth in O.C.G.A. § 31-21-7, such persons being: Name Address Relationship to Decedent

4.

There are no known persons having a higher priority pursuant to O.C.G.A. § 31-21-7 to make decisions concerning the disposition of the remains of the decedent than those listed in paragraph 3 of this petition.

5.

	The decedent:  [Initial all that apply]			
(a) had an advance directive that addressed the disposition of t body and is attached as "Exhibit"				
	(b) did not have an advance directive that addressed the disposition of principal's body.			
	If (a) is selected immediately above please list the person(s) named as the agent:			
Name	Address	Relationship to Decedent		
	6.			
	[Initial all that apply]			
	(a) Of those persons listed above, the foliattempt to determine the manner of disp			
	made by one or more of the others name person(s) and seek his/her/their partic aware of any opposition to the decision	ed in paragraph 3 above to notify such ipation. However, petitioner is not		
	(b) Of those persons listed above, the following notice of this petition and consent to disposition of the remains of decedent:	=		

Disagreement exists among those persons named in paragraph 3 of this petition as to the location, manner, and conditions of disposition of the remains of the decedent; and/or as to the arrangement for funeral goods and services to be provided.

### WHEREFORE, petitioner prays:

- 1. that a hearing be held by the Court, at a time and place and on a date set by the Court, after such notice as required by law;
- 2. that the Court determine the person to be the most fit and appropriate to carry out the right of disposition and make decisions regarding the remains of the decedent, upon consideration of the factors set forth in O.C.G.A. § 31-21-7 (d) (2); and
- 3. that an appropriate order issue in accordance with the Court's determination of the right of disposition of the remains of the decedent.

Signature of Petitioner	<del></del>	
Printed Name		
Mailing Address		
Telephone Number		
Signature of Attorney:		
Printed Name of Attorney:		
Address:		
Telephone Number:	State Bar #	

## **VERIFICATION**

GEORGIA,O	COUNTY
· · · ·	e the undersigned petitioner(s) who, after being duly sworr oregoing petition for determination of right of disposition of ed exhibit(s)) are true and correct.
Sworn to and subscribed before me th	
	Signature of Petitioner
NOTARY/CLERK OF PROBATE C	
My Commission Expires:	

IN THE PROBATE COURT OF	COUNTY
	F GEORGIA
IN RE:  DECEASED,	) ) ESTATE NO
	TION OF RIGHT OF DISPOSITION OF A DECEDENT
ACKNOWLEDGM	IENT AND CONSENT
determination of right of disposition of remain notice of the filing of the petition and consent	persons named in paragraph 3 of the petition for sof decedent, do hereby acknowledge service of to the determination by the Court of the right of nowledge that it is our responsibility to contact the hearing.
, 20	Signature
	Signature
NOTARY/CLERK OF PROBATE COURT	Printed Name
My Commission Expires:	
Sworn to and subscribed before me this day of, 20	
•	Signature
NOTARY/CLERK OF PROBATE COURT	Printed Name

My Commission Expires: \_\_\_\_\_

# **NOTICE**

THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT.

SEE UNIFORM PROBATE COURT RULE 5.6 (A).

IN THE PROBATE CO	URT OF	COUNTY
	STATE OF GEOR	
IN RE:	)	ESTATE NO
DECEASED		
	RMINATION OF EMAINS OF A DE	RIGHT OF DISPOSITION ECEDENT
ORDER	R FOR SERVICE (	OF NOTICE
filed, read, and considered, and it ap	opearing to the Courship to the decedent	tion of remains of a decedent having been rt that disagreement exists among two or for purposes of the right to dispose of the
IT IS ORDERED that a hea 20 at a.m./p.m in		shall be held on, County courthouse.
IT IS ORDERED that notice served upon the following:	ce of the time, date	, and place of the hearing be issued and
[Initial all that apply]		
the decedent for purposes of the right named in paragraph 3 of the petition of such petition. Service of notice sh having possession of the remains of of of those persons named in paragraph	t to dispose of the real (including)(excluding) the by personal selected (unless the algorithm) of such petition of the delivery, return	applicable, with the same relationship to emains as set forth in O.C.G.A. § 31-21-7 ing) those persons named in paragraph 5 ervice to an employee of the funeral home funeral home is the petitioner) and to any who reside in this state, and by registered receipt requested to any of said persons prior to the hearing.
notice shall be by personal service it mail or statutory overnight delivery, State notifying him/her/them of the ri	f said party resides return receipt reque ght to be and appear s of the decedent.	remains of the decedent. Service of such in this State, or by registered or certified ested, if said party resides outside of this at the hearing and to be heard concerning Service of notice of such petition shall be
SO ORDERED this	_ day of	, 20
	Jud	ge of the Probate Court

# IN THE PROBATE COURT OF \_\_\_\_\_ \_\_\_\_COUNTY STATE OF GEORGIA IN RE: ESTATE NO. \_\_\_\_\_ **DECEASED** PETITION FOR DETERMINATION OF RIGHT OF DISPOSITION OF REMAINS OF A DECEDENT **NOTICE** GEORGIA, \_\_\_\_\_ COUNTY PROBATE COURT TO: [All persons upon whom the Court has ordered service of notice of the hearing.] BE NOTIFIED THAT: has filed a petition for the Court to determine the right of disposition of the remains of the decedent persons upon whom service has been ordered may be and appear before the Court at such hearing and be heard concerning the right of disposition of the remains of the decedent. Judge of the Probate Court By: \_\_\_\_\_ Clerk of the Probate Court Address

Telephone Number

# IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY **STATE OF GEORGIA** IN RE: ESTATE NO. \_\_\_\_\_ **DECEASED CERTIFICATE OF MAILING** I certify that I have this date mailed (unless otherwise noted) in an envelope with the proper postage affixed thereto for delivery via registered or certified mail or overnight statutory delivery, return receipt requested, copies of the to the following parties at the addresses below: This \_\_\_\_\_, 20\_\_\_. Clerk of the Probate Court

Address

Telephone Number

	IN THE PROBATE C	COURT OF _		COUNTY
		STATE OF	GEO	RGIA
IN RI			)	ESTATE NO
DECI	EASED	<b>,</b>	)	ESTATE NO
		FERMINATION REMAINS O		F RIGHT OF DISPOSITION ECEDENT
		FINAL	ORDE	R
of the	The petition ofright of disposition of the re	emains of the d	leceden	for determination t named above having been filed, and
Court		fore the Court	at the	place and time and on the date set by the
	factors set forth in is tl	O.C.G.A. § he most fit and	31-2	esented to the Court, taking into account 1-7 (d) (2), the Court finds that r person to make decisions concerning the
have to of the the re	he sole and exclusive right to decedent, including but not mains of the decedent and/oled; provided, however, that	ORDERED to make all declimited to the or as to the arat expenses an	cisions location rangen nd cost	shall concerning the disposition of the remains n, manner and conditions of disposition of nent for funeral goods and services to be s of same shall not exceed a reasonable
	nt under the circumstances of expenses and costs.	of the estate of	the de	cedent and the ability of the estate to bear
transn	copy of the order may be	obtained from achment to elec	n the C etronic	hall notify the funeral home by telephone Court, which copy may, upon request, be mail; and shall mail via First-Class Mail a petition.
		iling of same t	that we	the costs of these proceedings and the re incurred and paid by the funeral home ains of the decedent.
	SO ORDERED this	day of		, 20
			Juc	lge of the Probate Court

# IN THE PROBATE COURT OF \_\_\_\_\_ \_\_ COUNTY STATE OF GEORGIA IN RE: ESTATE NO. \_\_\_\_\_ **DECEASED** PETITION FOR DETERMINATION OF RIGHT OF DISPOSITION OF REMAINS OF A DECEDENT **CERTIFICATE OF MAILING** I do hereby certify that I have this day: [Initial all that apply] notified the funeral home by telephone that a copy of the order may be obtained from the Court (and, at the request of the funeral home,)(transmitted a copy of the order by facsimile)(transmitted a copy as an attachment to electronic mail). \_\_\_\_\_ mailed by First-Class Mail a copy of the order to each person upon whom service of notice was ordered by placing a copy of same in an envelope, properly addressed and with adequate postage thereon, and deposited in the U.S. Mail, with the return address of this Court thereon. Date Clerk of the Probate Court Address

Telephone Number